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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,465	02/04/2004	Kenji Ogasawara	325772034000	1347
7590	02/06/2008		EXAMINER	
Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Boulevard, Suite 300 McLean, VA 22102			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2625	
		MAIL DATE	DELIVERY MODE	
		02/06/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/770,465	OGASAWARA, KENJI
	<b>Examiner</b>	<b>Art Unit</b>
	Mark R. Milia	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-15 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium.

Claims 11-15, while defining an image processing program, does not define a "computer-readable medium" and is thus non-statutory for that reasons. An image processing program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5,864,652 to Murahashi.

Regarding claims 1, 6, 11, and 16, Murahashi discloses an image processing device, method, and program comprising: a processing unit for processing image data (see Figs. 1 and 5 and column 3 line 55-column 4 line 10), a judging unit for judging whether operating status of said processing unit satisfies a predetermined compression process execution condition or not (see column 5 lines 6-43 and column 6 lines 4-15), and a compression unit for compressing image data processed by said processing unit when said judging unit judges that operating status of said processing unit satisfies said compression process execution condition (see column 4 lines 17-32 and column 6 lines 24-64).

Regarding claims 2, 7, and 12, Murahashi further discloses wherein said judging unit judges that operating status of said processing unit satisfies a predetermined compression process execution condition when no processing is being executed by said processing unit, or when executing the compression process by means of said compression unit simultaneously while a portion of the process is being executed by means of said processing unit does not meaningfully reduces the processing speed by said processing unit (see column 2 line 51-column 3 line 17).

Regarding claims 3, 8, and 13, Murahashi further discloses a memory unit for storing image data compressed by said compression unit (see Fig. 1 and column 7 lines 6-18), and an expansion unit for expanding image data stored in said memory unit when

reprocessing image data by means of said processing unit (see column 7 lines 19-61 and column 8 lines 10-16), wherein said processing unit reprocesses the image data expanded by said expansion unit (see column 7 lines 19-61).

Regarding claims 4, 9, and 14, Murahashi further discloses a spooling unit for spooling image data (see column 9 lines 28-33), a rasterizing unit for rasterizing image data spooled by said spooling unit (see column 9 lines 33-36), and an image forming unit for image-forming the image data rasterized by said rasterizing unit (see column 9 lines 40-66).

Regarding claims 5, 10 , and 15, Murahashi further discloses a spooling unit for spooling image data (see column 9 lines 28-33), a rasterizing unit for rasterizing image data spooled by said spooling unit (see column 9 lines 33-36), and a transmitting unit for transmitting the image data rasterized by said rasterizing unit (see column 9 lines 40-66).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art please refer to the attached Notice of References Cited.

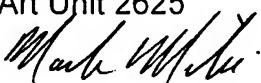
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

MRM

  
  
TWYLER LAMB HASKINS  
SUPERVISORY PATENT EXAMINER